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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,986	02/02/2001	Arthur Blank	Blank et al.-PA-1	7259

7590

06/02/2004

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 06/02/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

7

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/775,986

Applicant(s)

BLANK ET AL.

Examiner

Chongshan Chen

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 29 March 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

A first Official Action was mailed on 14 April 2003. Applicants responded and filed an Amendment dated 14 July 2003, with changes in the claims. A second and final Official Action was mailed on 29 September 2003. On January 29, 2004, Applicants filed an Amendment under Rule 1.116 in response to the final Office Action dated 29 September 2003, proposing further amendments to the claims. The examiner issued an Advisory Action declining to enter the amendment after final rejection because the new limitations require further search. The applicants filed appeal based on the Amendment filed on 14 July 2003.

However, the Amendment filed on 14 July 2003 is defective. The examiner objected to the claim in the final Office Action because the clean copy of the claims does not match the mark-up version of the claims. The applicants do not address the objection in the appeal brief. It is unclear to the examiner which version of the claims the applicants are pursuing for appeal. Therefore, the appeal brief is defective.

*Shahid Alam*  
**SHAHID ALAM**  
**PRIMARY EXAMINER**